

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 102

February 23, 2011

SUMMARY OF BILL: Increases the penalty for abuse of a corpse from a Class E to a Class C felony if the defendant caused the death of such person. Expands the discretionary sentencing enhancement factors enumerated in the Criminal Sentencing Reform Act of 1989 to include knowing mutilation of victim's body after death when the defendant is also convicted of second degree murder.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$43,400/Incarceration*

Assumptions:

- Abuse of a corpse is currently a Class E felony with a sentencing range of one to six years.
- According to the Administrative Office of the Courts, there has been an average of four convictions for abuse of corpse offenses in each of the past 10 years. According to the Department of Correction (DOC), there has been an average of one admission for abuse of corpse offenses in each of the past 10 years.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.
- According to DOC, 39.6 percent of offenders will re-offend within two years of their release. A recidivism discount of 39.6 percent has been applied to this estimate to account for the impact of offender who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (one offender x 39.6% recidivism discount = 0.40 offender).
- According to DOC, the average post-conviction time served for a Class E felony is 1.27 years and 3.23 years for a Class C felony. This bill will result in a person convicted of abuse of corpse offenses serving an additional 1.96 years (3.23 years – 1.27 years).

- The additional cost of increasing the average sentence length by 1.96 years (715.89 days) is \$43,397.25 (\$60.62 x 715.89 days). The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender ($1 - 0.40 = 0.60$) serving additional time on his or her sentence in the tenth year.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc